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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/017,991 | 12/14/2001 | Tadamasa Yamanaka | B-4436 619405-1 | 8406 |

36716 7590 02/08/2007
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| EXAMINER |
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ELAHEE, MD S

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| ART UNIT | PAPER NUMBER |
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2614

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 02/08/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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|------------------------------|-------------------------------|---------------------------------|--|
| Office Action Summary | Application No. 10/017,991 | Applicant(s) YAMANAKA ET AL. | |
| | Examiner Md S. Elahee | Art Unit 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-36, 38-43 and 45-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-36, 38-43, 45-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 11/09/2006. Claims 33-36, 38-43 and 45-53 are pending. Claims 1-32 have been previously cancelled. Claims 37 and 44 have been cancelled.

Response to Arguments

2. Applicant's arguments filed on 11/09/2006 Remarks have been fully considered but they are not persuasive.

Regarding claim 33, the Applicant argues on page 12 that neither **Gormley** nor **Joao** teach the limitation "a notifying device that notifies the transmitted part replacement information to a user of the mobile unit, the notifying unit including a display device". Examiner respectfully disagrees with this argument. In Col.8, lines 37-45, **Gormley** teaches that the vehicle controller (notifying device) informs the operator of the vehicle about a particular fault through display unit of the controller and this fault must be a fault of a particular part. In order to get rid of the faulty part, the operator needs to get the part being replaced.

The Applicant further argues on page 12 that neither **Gormley** nor **Joao** teach the limitation "the part replacement information is at least information comprising: first information identifying the at least one part required for replacement; second information identifying a plurality of parts suppliers for supplying the part required for replacement; and third information related to stock status of the part with respect to each of the parts suppliers". Examiner respectfully disagrees with this argument. In pages 22-23, paragraphs 0296, 0299, **Joao** teaches

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that vehicle owner or dealer or operator can access the central processing computer in order to find out a particular part information, part provider and availability of the part.

Thus the rejection of the claims in view of **Gormley** and **Joao** remain.

Claim Objections

3. Claim 33 is objected to because of the following informalities: The use of “the notifying unit” makes the claim indefinite. It appears that the phrase “the notifying unit” would be “the notifying device”. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 33-36, 38-43 and 45-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gormley** (US 5,513,107) in view of **Joao** (US 2002/0016655).

As to Claims 33,38-39,40,45-46,47-53, with respect to Figures 1-2, **Gormley** teaches a parts management system, comprising a mobile unit and a service center, wherein the mobile unit comprises:

- a collecting device that collects maintenance and diagnostic data (management information) related to management of parts of the mobile unit (Col. 8, lines 25-30); and

- a mobile unit transmitting device that transmits the management information to the service center (Col. 8, lines 25-30), and

- wherein the service center comprises

- service center analysis (a determining device) that determines whether or not at least one fault (part required for replacement) exists in the parts of the mobile unit based on the transmitted management information (Col. 8, lines 34-36) (Note; **Gormley** teaches that the vehicle controller (notifying device) informs the operator of the vehicle about a particular fault through display unit of the controller and this fault must be a fault of a particular part. In order to get rid of the faulty part, the operator needs to get the part being replaced.);

- a service center transmitting device that transmits the part replacement information to the mobile unit (Col. 8, lines 34-40);

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wherein the mobile unit further comprises a notifying device that notifies the transmitted part replacement information to a user of the mobile unit, the notifying unit including a display device (Col. 8, lines 37-45);

Gormley does not teach the following limitation:

“an acquiring device that acquires part replacement information from parts suppliers related to replacement of at least one part required for replacement, in a case where it is determined by the determining device that at least one part required for replacement exists”

However, it is obvious that **Gormley** suggests the limitation. This is because **Gormley** teaches servicing vehicles at a dealer (Col. 8, lines 37-50). **Joao** teaches a central processing computer (acquiring device) that acquires part replacement information from parts suppliers related to replacement of at least one part required for replacement, in a case where it is determined by the determining device that at least one part required for replacement exists (Figure 12C, item 216; page 12, paragraph 0179, page 22, paragraph 0297). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add part replacement capability to **Gormley's** invention for having available part replacement of their vehicles for servicing.

Gormley does not teach “wherein the part replacement information is at least information comprising: first information identifying the at least one part required for replacement; second information identifying a plurality of parts suppliers for supplying the part required for replacement; and third information related to stock status of the part with respect to each of the parts suppliers”. **Joao** teaches wherein the part replacement information is at least information comprising: first information identifying the at least one part required for replacement; second

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information identifying a plurality of parts suppliers for supplying the part required for replacement; and third information related to stock status of the part with respect to each of the parts suppliers (Figure 12C, item 216; page 12, paragraph 0179, page 22, paragraphs 0296-0297). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add the feature of a particular part replacement capability to **Gormley's** invention for having available a particular part from a particular supplier for a vehicle for servicing.

As to Claims 34,41, **Gormley** teaches the part management system according to claim 33,

Gormley does not teach the following limitation:

“wherein the part replacement information is information further comprises at least any of fourth information related to availability of work with respect to each of the parts suppliers; fifth information related to prices of the part required for replacement with respect to each of the parts suppliers; and sixth information related to labor charges with respect to each of the parts suppliers”

Joao teaches wherein the part replacement information is information further comprises at least any of fourth information related to availability of work with respect to each of the parts suppliers; fifth information related to prices of the part required for replacement with respect to each of the parts suppliers; and sixth information related to labor charges with respect to each of the parts suppliers (page 22, paragraphs 0296-0297,0299). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add servicing fee requirement to **Gormley's** invention for having available vehicle

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replacement parts as taught by **Joao's** invention in order to provide service to operators when they bring their vehicles for servicing.

As to Claims 35, 42, **Gormley** teaches the part management system according to claim 33,

Gormley does not teach the following limitation:

“wherein the part replacement information is information further comprises seventh information related to incentive information”

Joao teaches wherein the part replacement information is information further comprises seventh information related to incentive information (page 22, paragraph 0296). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add warranty and/or insurance coverage information to **Gormley's** invention for having available vehicle replacement parts as taught by **Joao's** invention in order to provide better service under warranty to operators when they bring their vehicles for servicing.

As to Claims 36, 43, **Gormley** teaches the part management system according to claim 33,

Gormley does not teach the following limitation:

“wherein the moveable unit is a small craft”

Joao teaches wherein the moveable unit is a small craft (page 1, paragraph 0003). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add small craft to **Gormley's** invention for having available craft replacement parts as taught by **Joao's** invention in order to provide service to operators when they bring their crafts for servicing.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Laguer-Diaz et al. (US 6,718,238) teach Call recovery process and apparatus for a remote monitoring system.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ME

MD SHAFIUL ALAM ELAHEE

February 4, 2007

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SUPERVISORY PATENT EXAMINER
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